

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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April 4, 2006

Mr. J. Robert Hume U.S. Army Corps of Engineers Regulatory Branch Norfolk District, Fort Norfolk 803 Front Street Norfolk, Virginia 23510-1096

RE: Section 401 Water Quality Certification of Norfolk District

Dear Mr. Hume:

On February 6, 2006 the U.S. Army Corps of Engineers (USACE) Norfolk District issued Regional Permit #20 (RP-20) for the development of State owned and operated artificial fin and shellfish reefs. The reason for issuing this proposed Regional Permit is because as of June 2005 the Virginia Marine Resources Commission ceased issuing permits for artificial reefs created under the Virginia Reef Program, which invalidated the use of the Norfolk District's Regional Permit-19, Activity 15.

The State Water Control Board hereby provides unconditional § 401 Water Quality Certification for the Norfolk District's proposed Regional Permit, RP-20, as meeting the requirements of the Virginia Water Protection Permit Regulation, which serves as the Commonwealth's § 401 Water Quality Certification.

Pursuant to our Virginia Water Protection Permit Program Regulations 9VAC25-210-130H, the State Water Control Board is issuing this final § 401 Water Quality Certification as meeting the requirement s of the VWP regulation and after advertising and accepting public comment for 30 days on our intent to provide certification. We note that no public comments on our proposed certification were received.

Thank you for your continuing cooperation in the administration of the Joint Permit Program.

Sincerely,

Catherine M. Harold, PWS

Manager, Office of Wetlands and Water Protection